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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,491	04/01/2004	Dale E. Redford	18525-0793	8516
7590 09/18/2007				
Philip G. Meyers Law Office Suite 300 1009 Long Prairie Road Flower Mound, TX 75022				
			EXAMINER	
			BOVEJA, NAMRATA	
			ART UNIT	PAPER NUMBER
			3622	
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			09/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/815,491	REDFORD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Namrata Boveja	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 and 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/01/2004</u>  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is in response to communication filed on 03/24/2004.
2. Claims 1-11 are presented for examination.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, and 7-11 are rejected under 103(a) as being anticipated by Zingher (Patent Number 5,813,348 hereinafter Zingher) in view of the article by Bob Reilly, titled, "Delivery service gives post office run for mail," published in The Mesa Tribune on December 15, 1993 in the business section (hereinafter Reilly).

In reference to claim 1, Zingher teaches a method for private distribution of printed advertising materials, comprising: (a) receiving at a publishing house an order from a customer for direct distribution advertising materials intended for distribution to recipients (col. 4 lines 1-22 and 60 to col. 5 lines 9, and Figures 1 and 3); (b) creating the advertising materials at the publishing house (col. 2 lines 60-67, col. 4 lines 60 to col. 5 lines 3, col. 5 lines 15-33, col. 7 lines 5-29 and 65 to col. 8 lines 11); (c) repeating steps (a) and (b) for a plurality of customers (col. 2 lines 24-30 and 38-55, col. 3 lines 20-34, col. 4 lines 1-22 and 60 to col. 5 lines 3, and Figure 1); (d) transporting the advertising materials created pursuant to (a)-(c) to one of a number of distribution

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centers associated with predetermined delivery regions (i.e. transporting to receivers or various post-printing processing destinations) (col. 1 lines 65 to col. 2 lines 3, col. 6 lines 30-57, and Figure 1).

Zingher is silent about (e) bundling the sorted advertising materials so that advertising materials created for different customers for delivery to a single recipient address are grouped together; (f) dividing the packaged advertising materials up into delivery groups based on a predetermined delivery scheme; and (g) providing a delivery group to each of a number of delivery couriers; and (i) hand delivering by the delivery couriers the sorted, packaged advertising materials to the recipients according to the delivery scheme. Reilly teaches (e) bundling the sorted advertising materials so that advertising materials created for different customers for delivery to a single recipient address are grouped together (i.e. monthly magazines, catalogs, and advertisements are bundled together in plastic bags) (page 1 paragraph 4); (f) dividing the packaged advertising materials up into delivery groups based on a predetermined delivery scheme (i.e. advertising materials are divided up for delivery based on sections, routes, and zip codes that are covered by the Alternative delivery service) (page 1 paragraphs 1, 4, and 9 and page 2 paragraph 13); and (g) providing a delivery group to each of a number of delivery couriers (i.e. it is inherent that each courier will be given a delivery group, since one courier can't service all 40 zip codes) (page 1 paragraphs 1, 4, and 9 and page 2 paragraph 13); and (i) hand delivering by the delivery couriers the sorted, packaged advertising materials to the recipients according to the delivery scheme (page 1 paragraphs 1 and 4). It would have been obvious to modify Zingher to include (e)

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bundling the sorted advertising materials so that advertising materials created for different customers for delivery to a single recipient address are grouped together; (f) dividing the packaged advertising materials up into delivery groups based on a predetermined delivery scheme; and (g) providing a delivery group to each of a number of delivery couriers; and (i) hand delivering by the delivery couriers the sorted, packaged advertising materials to the recipients according to the delivery scheme to save the customer's time by speeding up publication and delivery process by having just one company the customer would need to go to in order to service the end users.

4. In reference to claim 2, Zingher is silent about the method, further comprising designing a delivery scheme based on one or more demographic factors whereby some possible recipients are deliberately omitted from the delivery scheme. Reilly teaches the method, further comprising designing a delivery scheme based on one or more demographic factors whereby some possible recipients are deliberately omitted from the delivery scheme (i.e. only those who like golf are targeted) (page 2 paragraphs 1 and 2). It would have been obvious to modify Zingher to include the method, further comprising designing a delivery scheme based on one or more demographic factors whereby some possible recipients are deliberately omitted from the delivery scheme to speed up publication and delivery process by having just one company the customer would need to go to in order to service the end users and to save the customer money by targeting only those end users who are most relevant.

5. In reference to claim 3, Zingher is silent about the method, wherein a demographic factor is geographical remoteness of a recipient address. Reilly teaches

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the method, wherein a demographic factor is geographical remoteness of a recipient address (i.e. only deliver to those end users located in 40 zip codes in sections of Mesa, Chandler, Gilbert, Scottsdale, and Tempe). It would have been obvious to modify Zingher to include the method, wherein a demographic factor is geographical remoteness of a recipient address to speed up publication and delivery process by having just one company the customer would need to go to in order to service the end users and to save the customer money by providing delivery in high volume areas only where cost of delivery can be spread out over the service area.

6. In reference to claim 5, Zingher is silent about the method further comprising, sorting advertising materials created pursuant to different customer orders by intended recipient address. Reilly teaches the method further comprising, sorting advertising materials created pursuant to different customer orders by intended recipient address (i.e. items that will be going to a given address are sorted and placed in plastic bags for that address) (page 1 paragraphs 1 and 4). It would have been obvious to modify Zingher to include the method further comprising, sorting advertising materials created pursuant to different customer orders by intended recipient address to speed up publication and delivery process by having just one company the customer would need to go to in order to service the end user.

7. In reference to claim 7, Zingher is silent about the method wherein advertising materials created pursuant to different customer orders are sorted at the distribution facility in accordance with a delivery scheme utilizing one or more delivery services in the delivery area where the distribution center is located. Reilly teaches the method

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wherein advertising materials created pursuant to different customer orders are sorted at the distribution facility in accordance with a delivery scheme utilizing one or more delivery services in the delivery area where the distribution center is located (i.e. items going to a given address are placed in a plastic bag and are inherently delivered by multiple couriers making deliveries in a geographic region, and delivery can be stopped for certain time periods as desired by the end users) (page 1 paragraphs 1, 4, 7, and 9). It would have been obvious to modify Zingher to include the method wherein advertising materials created pursuant to different customer orders are sorted at the distribution facility in accordance with a delivery scheme utilizing one or more delivery services in the delivery area where the distribution center is located to speed up publication and delivery process by having just one company the customer would need to go to in order to service the end user.

8. In reference to claim 8, Zingher is silent about the method wherein the advertising materials are sorted by recipient address, which addresses are within that delivery region. Reilly teaches the method wherein the advertising materials are sorted by recipient address, which addresses are within that delivery region (i.e. materials for a given address are placed in a plastic bag for delivery in sections of Mesa, Chandler, Gilbert, Scottsdale, and Tempe route and zip codes) (page 1 paragraphs 1, 4, and 9 and page 2 paragraph 13). It would have been obvious to modify Zingher to include the method wherein the advertising materials are sorted by recipient address, which addresses are within that delivery region to speed up publication and delivery process by having just one company the customer would need to go to in order to service the

end user, and to save the customer money by not having to make multiple deliveries in a delivery region.

9. In reference to claim 9, Zingher is silent about the method wherein the sorted advertising materials are placed in bags so that advertising materials created for different customers for delivery to a single recipient address are packaged in a bag. Reilly teaches the method wherein the sorted advertising materials are placed in bags so that advertising materials created for different customers for delivery to a single recipient address are packaged in a bag (page 1 paragraphs 1 and 4). It would have been obvious to modify Zingher to include the method wherein the sorted advertising materials are placed in bags so that advertising materials created for different customers for delivery to a single recipient address are packaged in a bag to speed up publication and delivery process by having just one company the customer would need to go to in order to service the end user.

10. In reference to claim 10, Zingher teaches a method of distributing printed advertisements comprising: providing a computer based system for receiving an order from a local merchant for the preparation and private distribution to recipients of printed advertisements within a specified geographical area (col. 4 lines 1-22 and 60 to col. 5 lines 9, and Figures 1 and 3); printing the advertisements (col. 2 lines 60-67, col. 4 lines 60 to col. 5 lines 3, col. 5 lines 15-33, col. 7 lines 5-29 and 65 to col. 8 lines 11); distributing the advertisements to a private delivery service to distribute the printed advertisements (i.e. transporting to receivers or various post-printing processing destinations) (col. 1 lines 65 to col. 2 lines 3, col. 6 lines 30-57, and Figure 1).



Zingher is silent about utilizing the private delivery service to deliver the printed advertisements in a selected geographical area. Reilly teaches utilizing the private delivery service to deliver the printed advertisements in a selected geographical area (page 1 paragraphs 1-3 and 9). It would have been obvious to modify Zingher to include utilizing the private delivery service to deliver the printed advertisements in a selected geographical area to speed up publication and delivery process by having just one company the customer would need to go to in order to service the end user and to save the customer money by preventing making multiple deliveries in a given region.

11. In reference to claim 11, Zingher is silent about the method further comprising determining a delivery scheme for delivery of the advertisements. Reilly teaches the method, further comprising determining a delivery scheme based on one or more demographic factors whereby some possible recipients are deliberately omitted from the delivery scheme (i.e. only those who like golf are targeted) (page 2 paragraphs 1 and 2). It would have been obvious to modify Zingher to include the method, further comprising designing a delivery scheme based on one or more demographic factors whereby some possible recipients are deliberately omitted from the delivery scheme to speed up publication and delivery process by having just one company the customer would need to go to in order to service the end users and to save the customer money by targeting only those end users who are most relevant.

12. Claims 4 and 6 are rejected under 103(a) as being anticipated by Zingher in view of Reilly and further in view of Official Notice.

In reference to claim 4, Zingher is silent about the method wherein a

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demographic factor is the average income of recipients. Official Notice is taken that it is old and well known for demographic factors to include the average income of recipient and to use this factor to influence the delivery of advertising materials. For example, an end user may be targeted for offers by a luxury automotive company, high end retailers, and investment companies if it is determined based on profile data that the end user falls in a particular income bracket. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include delivery of advertisements based on a demographic factor such as the average income of the recipient, in order to speed up publication and delivery process by having just one company the customer would need to go to in order to service the end users and to save the customer money by targeting and sending advertisements to only those end users who are most relevant potential shoppers of a product or service provided by the customer.

13. In reference to claim 6, Zingher is silent about the method wherein the advertising materials are sorted in accordance with a delivery scheme utilizing one or more private delivery services in one or more delivery regions. Reilly teaches sorting advertising materials in accordance with a delivery scheme utilizing one or more private delivery services in one or more delivery regions (i.e. sorting monthly magazines, catalogs, and advertisements in plastic bags for each recipient address for hand delivery in sections of Mesa, Chandler, Gilbert, Scottsdale, and Tempe with routes and 40 zip codes) (page 1 paragraphs 1, 4, and 9 and page 2 paragraph 13). It would have been obvious to modify Zingher to include the method of sorting advertising materials in

accordance with a delivery scheme utilizing one or more private delivery services in one or more delivery regions to speed up publication and delivery process by having just one company the customer would need to go to in order to service the end user, and to save the customer money by not having to make multiple deliveries in a delivery region.

Zingher is also silent about the method wherein advertising materials created pursuant to different customer orders are sorted at the publishing house. Official Notice is taken that it is old and well known to create and sort advertising materials at a publishing house. For example, a small business customer such as an Electrical Distributor may go to Kinko's or the like to print out flyers for a sale on specific products, and Kinko's would send the print job to a store printer where other customer jobs would also be sent, and then an operator would sort out the flyers to this customer and give it to him when the customer comes in to pick up and pay for the flyers so that he can be billed accordingly. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include creating and sorting advertisements at the publishing house, in order to speed up publication and delivery process by having just one company the customer would need to go to in order to service the end users.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central Fax Number**

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for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

NB

N.B.

September 8<sup>th</sup>, 2007

  
**RETTA YEHDEGA**  
**PRIMARY EXAMINER**